

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

JOSEPH DINARDO

Chapter 7  
Case no. 23-10316-CLB

Debtor(s).

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**NOTICE OF MOTION**

**MOVANT:** Mark J. Schlant, As Chapter 7 Trustee

**DATE, TIME &  
LOCATION OF  
HEARING:**

February 10, 2025; 10:00 a.m.  
U.S. Bankruptcy Court  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
5<sup>th</sup> Floor - Orleans Courtroom  
Buffalo, New York 14202

**\*OR BY TELECONFERENCE\***

To access the Telephone Conference System, parties should dial: 571-353-2301. When prompted for the "Number you wish to dial, enter: 483077448#. When prompted for the "Security Pin" enter: 9999#.

**RELIEF REQUESTED:** An Order extending to June 30, 2025 the time in which the Trustee or the U.S. Trustee may bring an objection to the Debtor(s)'s discharge pursuant to 11 U.S.C. §727, or the U.S. Trustee or the Court may bring a motion to dismiss this case pursuant to 11 U.S.C. §707(b), subject to further extension for cause upon request made on or prior to that date, together with such other and further relief as the Court deems just and proper.

**SUPPORTING PAPERS:** Motion dated January 30, 2025.

Dated: January 30, 2025  
Buffalo, New York

ZDARSKY, SAWICKI & AGOSTINELLI LLP  
Attorneys for the Chapter 7 Trustee

s/ Mark J. Schlant

By: Mark J. Schlant

1600 Main Place Tower

350 Main Street

Buffalo, New York 14202

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UNITED STATES BANKRUPTCY COURT  
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**MOTION**

MARK J. SCHLANT, as Chapter 7 Trustee, by his attorneys Zdarsky, Sawicki & Agostinelli LLP, hereby respectfully represents:

1. He is the duly appointed, qualified and acting Chapter 7 Trustee herein.
2. The Debtor commenced this case by filing a voluntary petition under Chapter 11 on April 10, 2023. The case was converted to Chapter 7 on October 29, 2024.
3. The first meeting of creditors after conversion was held on December 5, 2024, via Zoom video conference. It was attended by the Debtor and his counsel, the Trustee, and at least eight creditors or creditors' representatives. The meeting lasted over four hours, and given the amount of time the parties had been conducting the meeting, the time of day, and the need to obtain and analyze documents before taking further testimony, the meeting was adjourned.
4. The Debtor informed the parties in the meeting that he would be unavailable in January 2025 to continue the meeting, so February 11, 2025 was selected as the adjourned date.
5. In the meantime, the Trustee and Wendy J. Christophersen, the Chapter 7 Trustee for The DiNardo Law Firm, P.C., another debtor in this Court, conferred and formulated a joint document request which they forwarded to the Debtor's counsel on December 18, 2024. Since that time, in response to the request the Debtor has produced over 150 documents to the Trustee, which the Trustee currently is reviewing in preparation for the adjourned meeting of creditors.

6. The last day to file objections to the Debtor's discharge was set by the Court Clerk as February 3, 2025.

7. Among other matters that require review, the Debtor made numerous prepetition transfers, some apparently without consideration; the Debtor had ownership or similar interests in numerous businesses and trusts; and the Debtor has ongoing interests in litigation across the country under various contractual and other relationships. All of these matters and more are the subjects of the document requests and of questioning during the Debtor's creditors' meeting, and will be the subject of further document requests and continuation of the creditors' meeting.

8. In light of the fact that the creditors' meeting has not been completed, the fact that voluminous document production is ongoing which is undergoing analysis, and that further document requests are anticipated as the creditors' meeting is continued, a determination whether to object to the Debtor's discharge by February 3 is not feasible.

9. Pursuant to Rule 4004(b) of the Federal Rules of Bankruptcy Procedure,

(1) Motion Before the Time Expires. On a party in interest's motion and after notice and a hearing, the court may, for cause, extend the time to object to a discharge. The motion must be filed before the time has expired.

10. The Trustee submits that the complexity of the Debtor's prepetition activities and interests, and the volume of information which must be requested and reviewed in order to fully evaluate those matters, provide cause to extend the time to object to discharge.

11. In most cases, the Trustee would attempt to enumerate the requests that have been made to a debtor, and request that the extension of time continue until the debtor has produced the requested information. In this case, due to the amount of information that has already been

requested and the fact that additional information certainly will be requested, it is impractical to link the extension to a list of items for the Debtor to produce. The Trustee submits, then, that an extension to a specific date, with an option to move to extend that date for cause, is the more appropriate and practical approach.

**WHEREFORE**, the Trustee requests an Order extending to June 30, 2025 the time in which the Trustee or the U.S. Trustee may bring an objection to the Debtor(s)'s discharge pursuant to 11 U.S.C. §727, or the U.S. Trustee or the Court may bring a motion to dismiss this case pursuant to 11 U.S.C. §707(b), subject to further extension for cause upon request made on or prior to that date, together with such other and further relief as the Court deems just and proper.

Dated: January 30, 2025  
Buffalo, New York

ZDARSKY, SAWICKI & AGOSTINELLI LLP  
Attorneys for the Chapter 7 Trustee

s/ Mark J. Schlant

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